

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

LENDINGTREE, LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 08-164-CV-W-SOW
)	
BLOCK FINANCIAL CORPORATION,)	
)	
Defendant.)	

COMPLAINT FOR DECLARATORY JUDGMENT OF PATENT INVALIDITY

Plaintiff LendingTree, LLC for its Complaint against Block Financial Corporation alleges the following:

THE PARTIES

1. Plaintiff LendingTree, LLC (“LendingTree”) is a Delaware limited liability company with its principal place of business at 11115 Rushmore Dr., Charlotte, North Carolina 28277. LendingTree operates LendingTree.com, a leading online loan exchange.

2. Upon information and belief, Defendant Block Financial Corporation (“Block”) is a Delaware corporation with its principal place of business at One H&R Block Way, Kansas City, Missouri 64105.

JURISDICTION AND VENUE

3. U.S. Patent No. 7,310,617 entitled “Real-Time Financial Card Offer and Application System” (“the ‘617 Patent”) indicates on its face that it issued on December 18, 2007. The ‘617 Patent indicates on its face that it was assigned to Block Financial Corporation.

4. LendingTree seeks to obtain a judgment declaring that the ‘617 Patent is invalid under 35 U.S.C. §§ 102, 103, and/or 112. Jurisdiction is proper by virtue of the provisions of 28 U.S.C. §§ 1331, 1338(a), and 2201. Venue in this district is proper under 28 U.S.C. §§ 1391(b) and 1391(c).

COUNT ONE

(Declaration of Invalidity)

5. LendingTree repeats and realleges the allegations of paragraphs 1 through 4 of this Complaint, and incorporates herein those allegations.

6. This cause of action arises under the Federal Declaratory Judgment Act and the Patent Laws of the United States, and more particularly, under 28 U.S.C. §§ 2201, 2202 and 35 U.S.C. §§ 1, *et seq.*, respectively.

7. LendingTree alleges that the '617 Patent is invalid under 35 U.S.C. §§ 102, 103, and/or 112.

8. There exists an actual and justiciable controversy between LendingTree, on the one hand, and Block on the other. Block has accused LendingTree of infringing the '617 Patent. LendingTree has asserted that the '617 Patent is invalid. Therefore, there exists an actual and justiciable controversy concerning the validity of the '617 Patent.

PRAYER FOR RELIEF

WHEREFORE, LendingTree prays for a judgment against defendant Block:

- (a) declaring that the '617 patent is invalid;
- (b) awarding LendingTree its costs and attorneys' fees; and
- (c) awarding LendingTree such other relief that this Court deems just and reasonable.

DEMAND FOR JURY TRIAL

LendingTree demands a trial by jury for all issues so triable.

Respectfully submitted,

DATED: March 6, 2008

/s/Clinton G. Newton
Clinton G. Newton
SHOOK HARDY & BACON LLP
2555 Grand Boulevard
Kansas City, Missouri 64108-2613
Tel: (816) 474-6550 / Fax: (816) 421-5547
E-mail: cnewton@shb.com

Of Counsel:

Robert D. Fram
Winslow B. Taub
Leslie N. Harvey
HELLER EHRMAN LLP
333 Bush Street
San Francisco, California 94104-2878
Tel: (415) 772-6000 / Fax: (415) 772-6268
E-mail: Robert.Fram@hellerehrman.com
Winslow.Taub@hellerehrman.com
Leslie.Harvey@hellerehrman.com

ATTORNEYS FOR PLAINTIFF
LENDINGTREE, LLC